



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes

Approved

Monday May 3, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin.

Staff Members Present: Town Administrator Michael Gilleberto
and Admin Assistant Therese Gay.

The Chair opened the meeting and voted to enter into Executive Session and to return to open session at the conclusion of the Executive Session.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Lemoine to enter into Executive Session to discuss contract negotiation, collective bargaining and at the conclusion of the Executive Session to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 6:00 P.M.

1. 6:00 P.M. Executive Session
 - A. Contract Negotiations/Collective Bargaining
 - B. Litigation

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectwoman O'Neill to exit Executive Session and to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board returned to open session at 7:00 P.M.

The Board returned to open session at 7:00 PM and the Board was introduced and the Agenda was read. The Finance Committee joined the Board to review the remaining Annual and Special Town Meeting Warrant Articles. Members present were: John Griffin, Kenneth Times III, Jacqueline Schnackertz, Robert Mullin.

The Board took this opportunity to express their appreciation of Selectwoman Puleo's 10 years of service between the School Committee and as a Selectman. Thank you for your dedication and service to the community.

2. 6:30 P.M. Road Acceptance Hearings Cont'd – Annual Town Meeting Warrant -
Article #23 Wilson Way, Article #27 Diaz Drive, Article #28 Rello Way.

The Board has continued this hearing and invited the Planning Board Chairman in to discuss. Chairman Nocco was present. Mr. Nocco would be able to provide the information the Board needs to complete the hearing process.

Article #23 Wilson Way - The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Puleo to waive the reading of the list of residents. Discussion the Planning Board held a hearing and approved the acceptance of this road, no residents of Wilson Way were not present at the hearing, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. Mr. Scott Sasek, 2 Wilson Way and Mr. Scott Landsteiner, 10 Wilson Way came forward to voice their concerns about the acceptance of Wilson Way. There has been issues with the road side drainage and would like to have it fixed before the town takes on the responsibility of maintaining it. Planning Board Chair explained the easement is to be maintained by the homeowners, the package was complete and everything was working and completed. The developer is not longer responsible for the maintenance of the drainage. The bond placed by the developer is not released until the road is accepted.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend the article #23 be placed on the Annual Town Meeting Warrant.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to close the hearing.

Article #27 Diaz Drive, and Article #28 Rello Way - The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. No one came forward to speak for or against the acceptance. Mr. King of Diaz Drive was concerned on what would happen to the unfinished portion of Diaz Drive, the road is not finished. Another developer owns the parcels on the remaining portion of Diaz Drive and has not been before the Planning Board for any building lots. The Planning Board Chair was present to continue the discussions Diaz Drive and Rello Way have been completed per Planning Board standards. The undeveloped portion will remain closed until such time the developer finishes the project.

The Board votes unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to close the hearing.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to recommend Article #27 and Article #28 to be placed on the Annual Town Meeting Warrant for acceptance.

3. 6:45 P.M.

A. Review Annual Town Meeting Warrant Articles - Selectmen & Finance Committee

Article 4 Elected Officials Stipend, Article 5 Town's Operating Budget for 2011, Article 15 Stabilization Funding, Article 20, 24 & 25, Street Acceptance, Article 26 & 27, Sewer Articles.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to support the \$1.00 for the Chairman of the Board of Assessors.

After discussions on Article 4, on whether or not to recommend the \$1.00 stipend for all elected officials, with the Finance Committee member Schnackertz removing the Finance Committee Members from receiving the stipend stating that the Finance Committee Members never received the stipend and that it is illegal to accept compensation. The Board voted 3-2-0 split with Selectwoman Puleo and Selectman Jackson voting against the stipends and Selectwoman O'Neill and Selectwoman Coughlin and Selectman Lemoine voting in favor of the stipends. Discussions continued from the April 26 meeting. There were discussions on whether to give the \$1.00 stipend to all elected officials. If the \$1.00 is give to all they would eligible to receive health insurance through the town. It would be a costly endeavor not to mention the additional work to the payroll staff to enter \$1.00 for all elected officials. A document dated April 3, 1995 that states the town will not offer health insurance to elected officials was introduced for discussion. Selectman Lemoine motioned second by Selectwoman O'Neill to recognize the Board of Selectmen's motion and action of April 3, 1995 document. The Board did conclude and voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Puleo to approve Article 4 as presented last week to issue \$1.00 to the Chairman of the Board of Assessors who has been receiving the stipend since 1995 and that all other elected officials will remain at 0. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to withdraw the last motion on recognizing the Selectmen's motion and action of April 3, 1995.

The Board voted 4-1-0 to recommend the new Article 4 which states that the Selectmen approve Article 4 as \$1.00 for the Chairman of the Assessors and the \$0 for the remaining elected officials excluding the Town Collector and the Town Clerk who receive a salary.

The Strategic Financial Planning Committee attended the meeting to inform the Board that they are moving forward toward a five year financial plan. They are looking at presenting a one time Capital Exclusion Question to fund at least \$800,000 of capital items. At this time there is a list of capital needs that are in excess of 7million dollars. The High School will be paid and there will be a one time gap in the tax bill. The Capital Asset Management Committee is to meet and discuss the one time use of the \$800,000 from the debt release to help paid for some one time capital items. The SFPC voted to support the one time capital exclusion question. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to request a Warrant Article for a Capital Exclusion to fund the Capital Asset requests up to \$800,000.

Article 5. Budget

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to recommend Article 5 budgeted amount of \$29,835,211 for Fiscal Year 2011.

The Finance Committee voted 4-0-0 on a motion by Member Times, second by Member Schnackertz to recommend Article 5 budgeted amount of \$29,835,211 for Fiscal Year 2011.

Article 15. School Department Floor Scrubber

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Lemoine to recommend Article 15 at Town Meeting.

Article 26. Sewer Article Betterment

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to not recommend Article 26.

Special Town Meeting

Article 4. CPC Funds from Historic Preservation for the Purpose of obtaining architectural and engineering plans for the restoration of the Old Town Hall.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to recommend article 4.

The Finance Committee voted 4-0-0 on a motion by Member Times, second by Member Schnackertz to recommend article 4.

Annual Town Meeting

Article 16 Raise funds to conduct a Code Assessment and Code Analysis on the Shurfine Barn improvement.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend article 16.

B. Sign Annual Town Meeting Warrant and Special Town Meeting Warrant

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to sign the Annual and Special Town Meeting Warrants.

C. Vote to Post Annual Town Meeting Warrant and Special Town Meeting Warrant.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to post the Annual and Special Town Meeting Warrants.

4. Citizen/Business Time

No one came forward this evening.

5. Other Business

A. Ambulance Contract

The Town Administrator and the Fire Chief have met with the Dracut Town Manager to review the ambulance bids will give an update and recommendation soon. The Board discussed having the three ambulance bidders to attend a Selectmen meeting for a presentation.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to accept the correspondence as read for discussions. Information on Thirsty's activities and letter from Town Counsel recommending the Board hold a show cause hearing for liquor license infractions, there is a time line and it will be placed on an up coming agenda. The Town Ball presented by the Education Foundation Committee was announced. There will be English courses offered at Middlesex Community College.

7. Selectmen's Notes

The Board commended the Fire Department for the care taken during last weekends wind storm. The Town Election is next week and the Annual Town Meeting is scheduled for May 18th, everyone is urged to vote and to attend the town meeting.

8. Town Administrator's Notes

The departments reviewed the budget and have the following feedback, the Council on Aging Director is looking for support to bring back the hours, and the Conservation Agent is looking to use Wetland Fees to supplement the additional hours. A letter was sent to Thirsty's regarding the liquor license infractions.

9. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:05 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: _____